

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(El Dorado)

THE PEOPLE,

Plaintiff and Respondent,

v.

PETER LUCIANNO CURBELLO,

Defendant and Appellant.

C060450

(Super. Ct. No.
P02CRF0524)

On October 30, 2002, defendant Peter Lucianne Curbello was charged in one count with willfully writing five bad checks at four different businesses between January 5, 2002, and March 22, 2002, and charged in two counts with forgery, and the complaint alleged a prior prison term enhancement.

After many delays, in part due to defendant's incarceration by federal authorities on federal charges, an information was filed on May 11, 2006, charging defendant with willfully writing 17 bad checks to six businesses, as well as the related forgery charges and the prison term allegation.

On October 30, 2006, the trial court (Keller, J.) denied defendant's motion to dismiss, based on his claim that he had properly demanded to be brought to trial under the Interstate Agreement on Detainers, but the time in which to try him had elapsed. (See Pen. Code, § 1389.)

On September 8, 2008, as part of a bargain, defendant pled no contest to one count of willfully passing a bad check and one count of forgery, in exchange for the dismissal of other charges, including a separately-filed case, and for a stipulated prison sentence. (Pen. Code, §§ 470, subd. (a), 476a, subd. (a).) The factual basis of the plea was defendant's admission that between January 5, 2002, and March 22, 2002 he wrote "numerous checks for insufficient funds" and that on February 4, 2002, he committed forgery by using another person's name or a fictitious name.

On November 12, 2008, the trial court sentenced defendant to two years and eight months in prison, in conformity with the plea bargain. The trial court denied defendant's request for custody credits for time spent in federal custody. Defendant timely appealed.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we

received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable errors that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

NICHOLSON, J.

We concur:

BLEASE, Acting P. J.

CANTIL-SAKAUYE, J.